IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 12526 of 1994

Between:

Ct.Gangadharaiah, S/o. G.S.Hiremath
Shirur (V), Bijapur District, Karnataka.

..... PETITIONER

AND

1.The Director General of Police, Central Reserve Police Force,
New Delhi.
2.The Additional Deputy Inspector General of Police, Central Reserve Police Force,
Chandrayanagutta, Hyderabad.
3.The Commandant, 69 Bn, Central Reserve Police Force, Howley, Barpeta,
Assam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of a Writ declaring the order of the 3rd respondent in Ni.D.V.1/94-Dett/69 dated 28/05/1994 as illegal, arbitrary, unjust, violative of Art.311 of the Constitution of India and the Central Reserve Police Force and violative of the principles of natural justice and to set aside the same and to direct the respondents to reinstate the petitioners into service with all consequential benefits of pay etc.,

For the Petitioner: MR.J.V.PRASAD, ADVOCATE.

For the Respondents: MR.V.GANGA RAO, ADDL. STANDING COUNSEL

FOR CENTRAL GOVERNMENT.

The Court Made the Following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a declaration that the order of the third respondent, dated 28-05-1994, in accepting the resignation tendered by the petitioner, as illegal and arbitrary.

3. It is the case of the petitioner that he was found to have involved in certain irregularities like having consumed liquor and a punishment of 14 days behind the lines was imposed. He was put on quarter guard duty on 27-05-1994. Subsequently, on 28-05-1994, it is alleged that the petitioner was forced to offer his resignation and, accordingly under alleged duress, the petitioner had offered his resignation and the same was accepted by the competent authority, on the same day, but with effect from 01-06-1994.

4. It is the case of the petitioner that the acceptance of resignation of the petitioner was done in accordance with the provisions of Rule-17 of C.R.P.F. Rules, 1955 (for short “the Rules”).

5. It is not necessary to go into the details of the provisions of Rule-17 of the Rules for the simple reason that the petitioner had offered his resignation and the same was accepted.

6. It is contended by the petitioner that the resignation was offered under complaint by the officials and the same was accepted on the same day, which fact itself discloses that the petitioner had no real intention to resign his job. Acceptance of the resignation letter on the very same day itself is a manifestation of the ill will of the respondents against the petitioner.

7. In this regard, it is to be noted that no doubt the petitioner had offered his resignation and the same was accepted on the same day i.e., on 28-05-1994. But, from a perusal of the impugned proceedings, it could be seen that the resignation was accepted with effect from 01-06-1994. If really the petitioner had offered his resignation on 28-05-1994 under alleged duress, he could have made a representation immediately stating the said facts. But, that was not done. Obviously, the petitioner has time and right to revoke the said resignation before the date indicated in the impugned order i.e., 01-06-1994, though the resignation was accepted on the very same day.

8. Having regard to the above facts and circumstances, I do not find any merits in the writ petition and the same is liable to be dismissed.

9. In the result, the writ petition is dismissed. However, there

shall be no order as to costs.

02ND JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Director General of Police, Central Reserve Police Force, New Delhi.
2.The Additional Deputy Inspector General of Police, Central Reserve Police Force, Chandrayanagutta, Hyderabad.
3.The Commandant, 69 Bn, Central Reserve Police Force, Howley, Barpeta, Assam.

5.Two CD copies.

6.One spare.